

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CT-03333-M**

CHARLES HALLINAN, JOSEAN)
KINARD, GEORGE RIDDICK, JORGE L.)
MALDONADO, WILLIAM BROWN,)
TERRANCE FREEMAN, ANTHONY)
BUTLER, DARYL WILLIAMS,)
QUAMAIN JACKSON, AND LASALLE)
WALDRIP, on behalf of themselves and)
similarly situated individuals,)
)

Plaintiffs/Petitioners,)
)
v.)
)

THOMAS SCARANTINO, Complex)
Warden, Federal Correctional Complex)
Butner; MICHAEL CARVAJAL, Federal)
Bureau of Prisons Director; and JEFFERY)
ALLEN, Federal Bureau of Prisons Medical)
Director, in their official capacities, and the)
FEDERAL BUREAU OF PRISONS,)

Defendants/Respondents.

**PLAINTIFFS' MOTION TO CERTIFY
CLASS UNDER RULE 23(b)(2)**

Pursuant to Federal Rule of Civil Procedure 23(b)(2) and Local Rule 7.1, Plaintiffs hereby move this Court to:

1. Certify a class defined as “All persons currently or in the future incarcerated at FCC Butner while anyone on the premises is infected with COVID-19” (the “Class”)
2. Certify a subclass defined as “All Class members who are medically vulnerable and at high risk of severe illness or death from COVID-19 due to disabilities protected under Section 504 of the Rehabilitation Act, including those with the following conditions: cancer; chronic kidney disease; chronic obstructive pulmonary disease (“COPD”); or moderate to severe asthma; immunocompromised state from solid organ transplant, blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids or other immune weakening medicines; serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies; sickle cell

disease; diabetes; cerebrovascular disease; cystic fibrosis; hypertension; neurologic conditions such as dementia; liver disease; pulmonary fibrosis; and thalassemia" (the "Subclass")

3. Appoint Plaintiffs as class representatives for the Class
4. Appoint all Plaintiffs except Kinard and Jackson as class representatives for the Subclass
5. Appoint Plaintiffs' counsel of record as counsel for the Class and the Subclass.

In support of this motion, Plaintiffs submit the accompanying memorandum of law and supporting evidence. For the reasons set forth in Plaintiffs' memorandum, this Court should grant this motion.

Respectfully submitted this 9th day of November, 2020

/s/ Jeff Wilkerson

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[†] Special Appearance Forthcoming

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